

STATE OF MAINE

DEPARTMENT OF MARINE RESOURCES

IN THE MATTER OF THE APPLICATION OF)	
MAINE AQUA FOODS, INC. TO TRANSFER AN)	FINDINGS OF FACT,
AQUACULTURE LEASE LOCATED IN COBSCOOK)	CONCLUSIONS OF LAW
BAY, INSIDE COOPER ISLAND LEDGE ON THE)	AND DECISION
NORTHEAST SIDE OF SEWARD NECK, LUBEC,)	
WASHINGTON COUNTY, MAINE TO)	
INTERNATIONAL AQUA FOODS USA, INC.)	

On December 3, 1999, Maine Aqua Foods, Inc., made application for transfer of an aquaculture lease (tracts: 521-06 and 522-06) granted to Maine Aqua Foods, Inc. on July 1, 1996 to International Aqua Foods USA, Inc.

The aquaculture lease allows Maine Aqua Foods, Inc., the right to conduct the cultivation, harvesting and taking of rainbow trout, Atlantic salmon, Atlantic halibut, abalone, blue mussels, European and American oysters, sea scallops, bay scallops, hard and soft-shell clams, seaweed, red algae, and fan worms using bottom, suspended, and pen culture techniques on a 9.95 acre lease site located in Cobscook Bay, inside Cooper Island Ledge on the northeast side of Seward Neck, Lubec, Washington County, Maine.

Notice of the application was published in the January 2000 issue of Commercial Fisheries News and the December 24, 1999 and January 14, 2000 issues of the Quoddy Tides.

The public and interested parties were given to January 24, 2000 to request a hearing on the application for transfer. No requests for a hearing on the application for transfer were received by the Department either on or before January 24, 2000, or at any time subsequent, up to the date of this decision.

Applications for transfer of interest in aquaculture leases are governed by 12 M.R.S.A. §6072(12-A), which provides that a lease may be transferred if the transfer is not for speculative purposes.

Section 2.60(C)(3) of the Department of Marine Resources regulation dealing with aquaculture leases, indicates that "speculative purposes" shall be found to exist whenever the owner of a lease to be transferred has not conducted any substantial aquaculture on the lease sites, including, but not limited to, seeding, cultivation, or harvesting organisms.

Based on the information contained in the original application and evidence taken at the original hearing and the application for transfer, it appears that the transfer for lease interest in this instance will not violate Section 7 or Section 8, nor be for speculative purposes.

Decision

The Commissioner of Marine Resources grants the application of Maine Aqua Foods, Inc. to transfer the lease granted to Maine Aqua Foods, Inc., by the Department of Marine Resources on July 1, 1996 for 9.95 acres located in Cobscook Bay, inside Cooper Island Ledge on the northeast side of Seward Neck, Lubec, Washington County, Maine, to International Aqua Foods USA, Inc. In assuming this lease, International Aqua Foods USA, Inc. is subject to the same terms, conditions, and obligations as set forth in the original lease.

Dated: _____

George D. Lapointe (Commissioner)
Department of Marine Resources